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(Original Signature of Member)

111TH CONGRESS
2D SESSION

H. R. _____

To provide for consultation by the Department of Justice with other relevant Government agencies before determining to prosecute certain terrorism offenses in United States district court, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of Texas introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for consultation by the Department of Justice with other relevant Government agencies before determining to prosecute certain terrorism offenses in United States district court, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring the Collec-
5 tion of Critical Intelligence Act of 2010”.

6 **SEC. 2. REQUIREMENT FOR CONSULTATION.**

7 (a) IN GENERAL.—

1 (1) PROSECUTION.—Before any officer or em-
2 ployee of the Department of Justice institutes any
3 prosecution of an alien in a United States district
4 court for a terrorist offense, the Attorney General,
5 Deputy Attorney General, or Assistant Attorney
6 General for the Criminal Division, shall consult with
7 the Director of National Intelligence and the Sec-
8 retary of Defense about whether the prosecution
9 should take place in a United States district court
10 or before a military commission under chapter 47A
11 of title 10, United States Code.

12 (2) INTERROGATION.—Before any officer or
13 employee of the Department of Justice engages in
14 any interrogation of an alien in a criminal investiga-
15 tion or prosecution of a terrorist offense, the Attor-
16 ney General, Deputy Attorney General, or Assistant
17 Attorney General for the Criminal Division, shall
18 consult with the Director of National Intelligence
19 and the Secretary of Defense about how to proceed
20 in that interrogation so as to enable each such offi-
21 cial to carry out that official's responsibilities in a
22 manner consistent with national security.

23 (b) DEFINITIONS.—In this section—

24 (1) the term “terrorist offense” means any of-
25 fense for which the defendant could be tried by a

1 military commission under chapter 47A of title 10,
2 United States Code; and
3 (2) the term “alien” means any person who is
4 not a citizen of the United States.